

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL

Chief Justice

1. Court Submitting Rules for Approval:

Appeals Court

2. Date Rules Submitted for Approval:

November 24, 2008

3. Date Approved and Promulgated by the Supreme Judicial Court:

January 22, 2009

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Rescission of Standing Order Governing the Filing of an

Appendix Consisting of Three or More Volumes

Effective date: March 2, 2009

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



COMMONWEALTH OF MASSACHUSETTS
THE APPEALS COURT
BOSTON, MASSACHUSETTS 02108

PHILLIP RAPOZA
CHIEF JUSTICE

November 24, 2008

Honorable Roderick Ireland
Chair, SJC Rules Committee
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square
Boston, Massachusetts 02108

Re: Rescission Order

Dear Justice Ireland:

Enclosed please find an order of the Justices of the Appeals Court rescinding our Standing Order Governing the Filing of an Appendix Consisting of Three or More Volumes.

The Appeals Court solicited public comment on the proposed rescission. No comments were received.

The principal reasons for rescinding the Standing Order are threefold. First, the Standing Order was adopted in 1997, when the Appeals Court Clerk's Office was located on the fifteenth floor of the high-rise courthouse at Three Pemberton Square; space was at a premium in that building, and the Clerk's Office simply lacked facilities to store large quantities of materials in pending cases. Since 2005, however, the Clerk's Office has been located here in the John Adams Courthouse, where there is ample space to store case materials.

Second, in 1997 the Appeals Court was faced with a huge backlog of pending cases, which exacerbated the storage problems. Due in large part to the expansion of the court from fourteen to twenty-five Justices in 2001, the backlog is considerably less than it was eleven years ago.

Third, our Clerk's Office has noted that, under the Standing Order, when parties were asked to supply the remaining sets of appendices (usually at the time their case is reached for oral argument or consideration on briefs), some appellants had not yet reproduced those sets. This resulted in delay in supplying the additional sets to the Court.

I respectfully request that the Supreme Judicial Court approve this rescission.

Very truly yours,

A handwritten signature in brown ink, reading "Phillip Rapoza". The signature is written in a cursive style with a large, looping initial "P".

Phillip Rapoza
Chief Justice

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

APPEALS COURT

ORDER RESCINDING STANDING ORDER GOVERNING
THE FILING OF AN APPENDIX CONSISTING OF THREE OR MORE VOLUMES

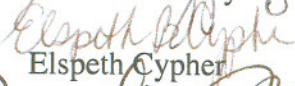
The Standing Order Governing the Filing of an Appendix Consisting of Three or More Volumes, which was adopted October 29, 1997, and made effective January 2, 1998, is hereby rescinded.


Phillip Rapoza


Charlotte Perretta


Barbara Lenk


Fernande Duffly


Elspeth Cypher


Joseph Grasso


Marc Kantrowitz


Janis Berry


James McHugh


Scott Kafker


Cynthia Cohen


David Mills


Mark Green


Joseph Trainor


R. Malcolm Graham


Gary Katzmman


Ariane Vuono


Andrew Grainger


William Meade


Mitchell Sikora


Peter Rubin


Francis Fecteau


Gabrielle Wolohojian